

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

Ronald Davenport,

Petitioner,

v.

Case No. 2:06cv766

Warden, Noble Correctional
Institution,

Judge Michael H. Watson

Respondent.


OPINION AND ORDER

Before the Court is the October 4, 2006 Magistrate Judge's Report and Recommendation (hereinafter "Report") (Doc. 2).

The parties were given proper notice, pursuant to 28 U.S.C. §636(b)(1)(C), including notice the parties would waive further appeal if they failed to file objections to the Report in a timely manner. See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). To date, no objections to the Report were filed.

Upon *de novo* review of this matter, pursuant to 28 U.S.C. §636, the Court finds no error in the Report. Accordingly, the Report (Doc. 2) is hereby **ADOPTED**. Therefore, this action is hereby **DISMISSED** for failure to file a petition for writ of habeas corpus within the on-year period of limitation created by 28 U.S.C. §2244(d)(1). This action is **ORDERED** removed from the docket of this Court.

IT IS SO ORDERED.



**MICHAEL H. WATSON, JUDGE
UNITED STATES DISTRICT COURT**